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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,275	02/14/2002	Lawrence Stephen Dieterich		1052

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EXAMINER

BRITTAIN, JAMES R

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 04/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/076,275

Applicant(s)

DIETERICH, LAWRENCE
STEPHEN

Examiner

James R. Brittain

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: *Usage of Certificates*.

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DETAILED ACTION***Claim Objections***

Claims 9-20 are objected to because of the following informalities: The terms "said one of said male fastening members" (claim 9, lines 10-11; claim 14, lines 10-11; claim 17, lines 10-11) and "said one of said female fastening members" (claim 9, lines 11-12; claim 14, lines 11-12; claim 17, lines 11-12) lack clear antecedent basis in the respective claims because the antecedent term is "at least two" male or female fastening members so there is no distinction to choose "said one". The remaining claims are objected to because they depend from objected to claims. Appropriate correction is required.

DETAILED ACTION***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 6, 9, 10, and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lisenby (US 4832367).

Lisenby (figures 1-5) teaches a folding tie, comprising: a foldable support element in the form of a strap 20 having two opposing major sides; at least two male fastening members in the form of hooks 42 on the opposing major sides of the strap, respectively; and at least two female fastening members in the form of loops 41 on the opposing major sides of the strap, respectively; whereby, when the support element is folded, at least one of the male fastening members will be detachably joined to at least one of the female fastening members, to form a releasable couple. As to claim 5, figure

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3 shows folding the strap about the seat belt so that one of the male fastening members is detachably connected to one of the female fastening members. In regard to claim 9, the straps of Lisenby as shown in figure 3 have two arms radiating in opposite directions from a common point located at the midpoint of the strap adjacent to the termination of the lead line for reference numeral 20.

Claims 14 and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by McConnell (US 5408782).

McConnell (figures 1, 2, 7, 8) teaches a folding tie for encompassing a tree, but is inherently usable to bundle objects if so desired, comprising: a sheet-like foldable support element 22 having a plurality of opposing major sides, the two shown opposed in figures 1 and 2; each of the major sides of the support element having at least two male fastening members 56, 56' on the opposing sides of the support element, respectively; and each of the major sides of the support element having at least two female fastening members 60, 60' on the opposing sides of the support element, respectively; whereby, when the support element is folded, one of the male fastening members will be detachably connected to one of the female fastening members to form a releasable couple.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 7, 11, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisenby (US 4832367) in view of Nowacki (US 4969663).

Lisenby (figures 1-5) teaches a folding tie, comprising: a foldable support element in the form of a strap 20 having two opposing major sides; at least two male fastening members in the form of hooks 42 on the opposing major sides of the strap, respectively; and at least two female fastening members in the form of loops 41 on the opposing major sides of the strap, respectively; whereby, when the support element is folded, at least one of the male fastening members will be detachably joined to at least one of the female fastening members, to form a releasable couple. The difference is that the strap lacks a label. However, Nowacki (figures 1-2B) teaches auxiliary strap structure including hook and loop material 20a, 20b, 22a, 22b on opposite surfaces of the foldable support element with there also being a label in the form of a name or an image in the form of a sport team logo or cartoon character placed on a major face of the tie (col. 2, lines 54-61) so as to be desirable to display. It would have been obvious to modify the folding tie of Lisenby so that it has a label in the form of a name or image in the form of a sport team logo or cartoon character placed on a major face of the tie in view of Nowacki (figures 1-2B) teaches auxiliary strap structure including hook and loop material 20a, 20b, 22a, 22b on opposite surfaces of the foldable support element with there also being a label in the form of a name or an image in the form of a sport team logo or cartoon character placed on a major face of the tie (col. 2, lines 54-61) so as to be desirable to display.

Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisenby (US 4832367) in view of Nowacki (US 4969663) as applied to claim 17 above, and further in view of Neumann (US 6158057).

Further modification of the tie of Lisenby so that it combines an image as suggested by Nowacki with a label or decorative component would have been obvious in view of Neumann (figure 3) which teaches the placement of combinations of labels 15, images 16 and decorative components 18 on a strap as being desirable for informing and providing aesthetic interest.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over McConnell (US 5408782) in view of Nowacki (US 4969663).

McConnell (figures 1, 2, 7, 8) teaches a folding tie for encompassing a tree, but is inherently usable to bundle objects if so desired, comprising: a sheet-like foldable support element 22 having a plurality of opposing major sides, the two shown opposed in figures 1 and 2; each of the major sides of the support element having at least two male fastening members 56, 56' on the opposing sides of the support element, respectively; and each of the major sides of the support element having at least two female fastening members 60, 60' on the opposing sides of the support element, respectively; whereby, when the support element is folded, one of the male fastening members will be detachably connected to one of the female fastening members to form a releasable couple. The difference is that while being colored it doesn't show a label. However, labels are used for many purposes such as adding one's name to an article and Nowacki (figure 2) suggests adding one's name to an article so as to more readily

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used. It would have been obvious to modify the device of McConnell so as to have a label in view of Nowacki (figure 2) suggesting adding one's name to an article so as that it would be more readily used.

Claims 4, 8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisenby (US 4832367) in view of Bryant (US 4963410).

Lisenby (figures 1-5) teaches a folding tie, comprising: a foldable support element in the form of a strap 20 having two opposing major sides; at least two male fastening members in the form of hooks 42 on the opposing major sides of the strap, respectively; and at least two female fastening members in the form of loops 41 on the opposing major sides of the strap, respectively; whereby, when the support element is folded, at least one of the male fastening members will be detachably joined to at least one of the female fastening members, to form a releasable couple. The difference is that it lacks at least one discontinuity between segments of the support element; and at least one spanning element, spanning the discontinuity, and interconnecting the segments of the support element. However, Bryant (figures 1A, 1B) suggests utilizing a discontinuity between segments 2, 3 of the strap and a spanning link 1 interconnecting the segments 2, 3 of the strap so as to lend greater versatility to the strap. It would have been obvious to modify the tie of Lisenby so that it has at least one discontinuity between segments of the support element; and at least one spanning element, spanning the discontinuity, and interconnecting the segments of the support element in view of Bryant (figures 1A, 1B) teaching utilizing a discontinuity between segments 2, 3

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of the strap and a spanning link 1 interconnecting the segments 2, 3 of the strap so as to lend greater versatility to the strap.

Conclusion

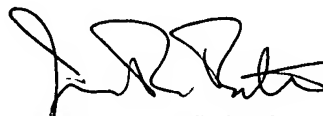
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents of Munz et al. (US 3086529), Knauf (US 4114838), Howard (US 5906507), Cohen (US 5031766), Ehrenhalt (US 4712766), Officer (US 6298524), Katz et al. (US 6002965), Moyer (US 4939819), Shepard et al. (US 6205623), Boyer et al. (US 5713548), Polk (US 5913483), Franco (US 4991245), Cote (US 5964386), Wisowaty (US 4174793), and Beauchan (US D297683) teach pertinent fastener structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Brittain whose telephone number is 703-308-2222. The examiner can normally be reached on M-W & F from 5:30 to 1:30 and Th from 5:30 to 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, appearing to read 'J. R. Brittain', with a stylized flourish at the end.

James R. Brittain
Primary Examiner
Art Unit 3677

JRB
April 11, 2003

It appears that the applicant in this application is a *pro se* applicant (an inventor filing the application alone without the benefit of a Patent Attorney or Agent). Applicant may not be aware of the preferred methods of ensuring timely filing of responses to communications from the Office and may wish to consider using the Certificate of Mailing or the Certificate of Transmission procedures outlined below.

CERTIFICATE OF MAILING

To ensure that the Applicant's mailed response is considered timely filed, it is advisable to include a "certificate of mailing" on at least one page (preferably on the first page) of the response. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: "Commissioner of Patents and Trademarks, Washington, D.C. 20231" on (date).

(Typed or printed name of the person signing this certificate)

(signature)

CERTIFICATE OF TRANSMISSION

Alternatively, if applicant wishes to respond by facsimile rather than by mail, another method to ensure that the Applicant's response is considered timely filed, is to include a "certificate of transmission" on at least one page (preferably on the first page) of the response. This method should be used by foreign applicants without access to the U.S. Postal Service. This "certificate" should consist of the following statement:

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)____-____ on (date).

(Typed or printed name of the person signing this certificate)

(signature)

These "Certificates" may appear anywhere on the page, and may be handwritten or typed. They must be signed, and the date must be the actual date on which it is mailed or transmitted. For the purpose of calculating extensions of time, the date shown on the certificate will be construed as the date on which the paper was received by the Office, regardless of the date the U.S. Postal Service actually delivers the response, or the fax is "date-stamped" in. In this way, postal or transmission delays do not affect the extension-of-time fee. In the event that a communication is not received by the Office, applicant's submission of a copy of the previously mailed or transmitted correspondence showing the **originally** signed Certificate of Mailing or Transmission statement thereon, along with a statement from the person signing the statement which attests to the timely mailing or transmitting of the correspondence, would be sufficient evidence to entitle the applicant to the mailing or transmission date of the correspondence as listed on the Certificate of Mailing or Transmission, respectively.

NOTICE TO APPLICANT: In the case of lost or late responses the use of other "receipt producing" forms of mailing a correspondence to the Patent Office, such as Certified Mail, or a private shipper such as FedEx, **WILL NOT** result in the applicant getting the benefit of the mailing date on such receipts. These receipts are not considered to be acceptable evidence since there is nothing to "tie-in" the receipt with the particular document allegedly submitted.